

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE:)
)
EQUAPHOR INCORPORATED,) Chapter 7
)
Debtor.) Bankruptcy No. 10-20490
)
_____)

**CAROTEK, INC.'S MOTION TO SHORTEN NOTICE AND REQUEST FOR
EXPEDITED HEARING ON MOTION FOR (I) STAY OF THE ORDER
GRANTING TRUSTEE'S MOTION TO APPROVE SALE OF PROPERTY OF
THE ESTATE AT PUBLIC AUCTION DURING COURT HEARING AND
APPROVING SALE TO KOBAYASHI VENTURES, LLC AND
(II) APPROVAL OF SUPERSEDEAS BOND**

Carotek, Inc. ("Carotek") moves (the "Motion") for entry of an order substantially in the form attached hereto as Exhibit A under § 105(a) of the Bankruptcy Code and Local Bankruptcy Rule 9013(N) requesting the Court to set an expedited hearing at the Court's earliest convenience on the Motion for (I) Stay of the Order Granting Trustee's Motion to Approve Sale of Property of the Estate at Public Auction During Court Hearing and Approving Sale to Kobayashi Ventures, LLC and (II) Approval of Supersedeas Bond (the "Motion for Stay").

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (N), and (O).
2. The legal predicate for the relief requested in this Motion is § 105(a) of the Bankruptcy Code and Local Bankruptcy Rule 9013(N).

RELIEF REQUESTED

3. On June 16, 2011, the Court entered the Order Granting Trustee's Motion to Approve Sale of Property of the Estate at Public Auction During Court Hearing and Approving Sale to Kobayashi Ventures, LLC (the "Sale Order"). As explained in the Motion for Stay, the (i) the appeal of the Sale Order involves a legal issue of first impression such that there is a substantial possibility Carotek will prevail on appeal, (ii) Carotek will suffer irreparable injury in the absence of a stay of the Sale Order, (iii) neither the bankruptcy estate nor any other party would be substantially harmed by a stay of the Sale Order, and (iv) the public interest of preserving the status quo pending appeal will be served by a stay of the Sale Order.

4. An expedited hearing on the Motion for Stay is necessary to ensure that the issues raised on appeal do not become statutorily or equitably moot after June 30, 2011, the day the stay provided for in the Sale Order terminates consistent with Bankruptcy Rule 6004(h). Accordingly, by this Motion, Carotek requests the Court to enter an order setting an expedited hearing at the Court's earliest convenience to consider the Motion for Stay (except for Monday, June 27, 2011, since the Chapter 7 Trustee has informed counsel for the movant that the Chapter 7 Trustee is unavailable due to scheduled 341 meetings).

BASIS FOR RELIEF

5. Section 105(a) of the Bankruptcy Code provides this Court with the power to set an expedited hearing on the Motion. Section 105(a) states that a bankruptcy court "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]." 11 U.S.C. § 105(a).

6. The relief sought in the Motion is necessary to prevent irreparable harm to Carotek.

WAIVER OF MEMORANDUM OF LAW

7. Because there are no novel issues of law presented in the motion, Carotek requests that the requirement that all motions be accompanied by a separate memorandum of law be waived.

CERTIFICATION

8. The undersigned hereby certifies that he:

(a) Has carefully examined the matter and concluded that there is a

true need for an expedited hearing;

(b) Has not created the emergency through any lack of due diligence;

and

(c) Has made *bona fide* effort to resolve the matter without hearing,

and to the extent that the Court grants this Motion.

CONCLUSION

WHEREFORE, Carotek, Inc. respectfully requests that the Court enter an order, substantially in the form attached as Exhibit A, setting an expedited hearing at the Court's earliest convenience.

Dated: June 21, 2011

/s/ David I. Swan

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